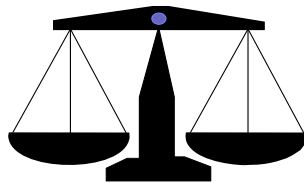


**A SUMMARY OF SELECTED BILLS  
TRULY AGREED TO AND FINALLY PASSED**

**By The  
94th General Assembly  
Second Regular Session**



**Prepared By  
Office of State Courts Administrator  
July 2008**

## TABLE OF CONTENTS

	<u>Page</u>
Senate Bills and House Bills Listed by Bill Number .....	i
Introduction .....	1
Bill Summaries .....	2

## SENATE BILLS

<u>Bill Number</u>	<u>Title</u>	<u>Page</u>
SB 714	SEXUAL OFFENSES .....	2
SB 724	CONTROLLED SUBSTANCES.....	5
SB 733	CRIME LABORATORIES .....	5
SB 818	STALKING AND HARASSMENT .....	5
SB 930	ALCOHOL AND MOTOR VEHICLES.....	5
SB 932	SEARCH WARRANTS .....	7
SB 1140	EMPLOYEE BENEFIT PLANS.....	7

## HOUSE BILLS

<u>Bill Number</u>	<u>Title</u>	<u>Page</u>
HB 1341	ETHAN'S LAW .....	8
HB 1549	ILLEGAL ALIENS .....	8
HB 1550	JUVENILE COURTS .....	9
HB 1570	GUARDIANS AD LITEM .....	9
HB 1640	ADOPTION.....	9
HB 1715	WATERCRAFT .....	10
HB 1883	EMPLOYMENT PRACTICES.....	11
HB 2041	EMPLOYMENT .....	11
HB 2188	MORTGAGE FRAUD .....	12
HB 2224	DEPUTY SHERIFF SUPPLEMENTATION FUND .....	12

## INTRODUCTION

In their role of interpreting the statutes of Missouri, judges have a potential interest in almost any bill enacted. However, for this synopsis certain bills have been selected which appear to have a direct impact on the workload or procedures of the courts, or which appear likely to come to the attention of the courts within a short time. Some bills, which may provide for specific types of cases which are expected to be of low volume and therefore not of general interest, have not been included in this summary.

The individual summaries cover the major points of the bills or those sections that affect the courts, but they do not address every issue in each bill and should not be read as a substitute for reading the bill in the context of the entire chapter in the statutes.

Because of the disparate provisions in many of the bills, they have not been arranged by subject matter, but in numerical order. A table of contents is provided at the front of this document.

**All of the bills included have been truly agreed to and finally passed; however, not all bills have been signed into law by the Governor.** Bills become effective August 28, 2008 unless otherwise indicated. We have indicated the date signed on those bills with an emergency clause.

A link to each bill has been provided in the document. For a copy of any bill, please direct your request to:

Senate Bill Room  
State Capitol  
Jefferson City, Missouri 65101

House Post Office  
State Capitol  
Jefferson City, Missouri 65101

Staff of the Office of State Courts Administrator are willing to assist you in obtaining further information about any of the legislation.

## SENATE BILLS

### SS SCS SB 714, 933, 899 & 758 SEXUAL OFFENSES

Any person required to register as a sexual offender must provide county law enforcement with any online identifying information he or she uses. Such information shall be made available to the public on the sex offender registry website, but only through specific searches using the online identifier. The information shall not be included in a general profile of the offender.

Subject to appropriations, the Highway Patrol shall make online identifying information of registered sex offenders available to certain electronic and computer businesses to prescreen users and to compare information held by the business.

Any business complying with these provisions in good faith shall be immune from any civil or criminal liability resulting from: 1) refusing to provide services to a person because the entity believed the person was required to register as a sex offender; 2) a person's criminal or tortious acts, when the person is a register sex offender who has complied with the registration requirements, and committed the acts against a minor using the business's services or system; or 3) any activity for which the entity would be immune from liability under federal law for blocking or screening of offensive material.

SECTIONS 211.425 and 589.400 (also see Section 589.400 below)

Currently, juvenile sex offenders are required to register on a separate juvenile sex offender registry that is kept confidential by the juvenile offices. Under this act, juveniles certified as adults, who have committed an offense comparable to or more severe than aggravated sexual abuse, and those juveniles fourteen years of age or older who are adjudicated of an offense that is comparable to or more severe than aggravated sexual abuse, shall be required to register as an adult sex offender on the public registry.

#### SECTION 491.075

Under this act, a statement made by a child under the age of fourteen relating to a pornography offense performed with or on a child by another person, that is otherwise inadmissible in court, shall be admissible as evidence if certain requirements are met, including the court finding that the statement provides sufficient indications of reliability and the child testifies at the proceedings or the court finds that the trauma that would result from testifying renders the child "unavailable" as a trial witness. Any statement of such a child is sufficient corroboration of a statement, admission, or confession regardless of whether or not the child is available to testify.

#### SECTIONS 556.061 & 565.153

This act increases the penalty for parental kidnapping from a Class D felony to a Class C felony when the parent commits the offense by detaining or concealing the whereabouts of the child for not less than 60 days but not longer than 119 days. The crime shall be a Class B felony if the parent detains or conceals the child for not less than 120 days.

When the crime of parental kidnapping qualifies as a Class B felony, it shall be considered a "dangerous felony". Persons convicted of dangerous felonies and committed to the Department of Corrections are required to serve 85% of the sentence imposed by the court.

#### SECTION 566.083

This act makes attempted sexual misconduct involving a child a Class D felony in the same manner as committing sexual misconduct involving a child. This act also changes the crime of sexual misconduct of a child to include certain acts committed against a child victim less than fifteen years of age instead of less than fourteen years of age.

## SECTIONS 566.147 & 566.149

Currently, persons who have committed certain sexual offenses against a child are prohibited from being present in or loitering within five hundred feet of school without being a parent with school permission or from residing within one thousand feet of a school or licensed child-care facility. Under this act, persons who commit comparable offenses in any other state or foreign country or under tribal, federal, or military jurisdiction shall be subject to the same restrictions.

## SECTION 566.153

Under this act, a person commits the crime of age misrepresentation with intent to solicit a minor when he or she knowingly misrepresents his or her age with the intent to use the Internet to engage in criminal sexual conduct involving a minor. Such crime is a Class D felony.

## SECTION 573.025

A person is guilty of promoting child pornography in the first degree if, knowing of its contents and character, such person possesses with the intent to promote or promotes child pornography of a child less than 14 years of age or obscene material portraying what appears to be a child less than fourteen years of age. This act prohibits any person who pleads guilty to or is found guilty of promoting child pornography in the first degree from being eligible for probation or parole for at least 3 years.

## SECTION 573.035

A person is guilty of promoting child pornography in the second degree if, knowing of its contents and character, such person possesses with the intent to promote or promotes child pornography of a minor under the age of eighteen or obscene material portraying what appears to be a minor under the age of eighteen. This act prohibits any person convicted of promoting child pornography in the second degree from being eligible for probation.

## SECTION 573.037

A person commits possession of child pornography if, knowing of its content and character, such person possesses any child pornography of a minor under the age of eighteen or obscene material portraying a minor under the age of eighteen.

This act makes possession of child pornography a Class C felony unless the person possesses more than twenty still images or one film or videotape of child pornography or has previously committed this offense, in which case, the crime is a Class B felony. Currently, possession of child pornography is a Class D felony unless the offender has previously committed this offense, in which case, the crime is a Class C felony.

## SECTION 573.038

This act requires that in any criminal proceeding, any property or material that constitutes child pornography shall remain in the custody of the state or the court. The court shall deny requests to copy or reproduce the child pornography if it is made reasonably available to the defendant by providing ample opportunity for inspection, viewing, and examination at a state or other governmental facility.

## SECTION 573.040

Under this act, attempting to furnish pornographic materials to a minor is a Class A misdemeanor in the same manner as actually furnishing the materials to a minor. It is not an affirmative defense to prosecution that the person being furnished the pornographic material is a peace officer masquerading as a minor.

## SECTION 589.015

This act adds the crime of enticement of a child to the list of offenses for which a person must complete the sexual offender treatment program (MOSOP).

#### SECTIONS 589.400, 589.402, 589.403, 589.405, 589.407, & 589.414

Persons who conspire to commit an offense listed on the sex offender registry shall be required to register as well as the persons who actually commit the crimes. Persons who are on the register for conspiring to commit an offense will have his or her information posted on the Highway Patrol sexual offender registry website. Also, persons who have committed comparable offenses under a tribal jurisdiction must register.

This act also adds the crime of abuse of a child when such abuse is sexual in nature to list of crimes for which a person must register as a sexual offender.

Currently, a person required to register in another state must register in Missouri if he or she is attending school or training here for more than fourteen days per year. This act specifies instead that persons attending any educational institution, whether public or private, including any secondary school, trade school, professional school, or institution of higher education for more than seven days in a twelve-month period must register.

Under this act, a register sex offender shall have three days, rather than ten days, upon conviction, release from incarceration, or placement on probation, to register with law enforcement.

A person convicted of attempting or conspiring to commit felonious restraint when the victim is the person's child, nonsexual child abuse, or parental kidnapping, shall be removed from the registry.

A person on the sexual offender registry for attempting to commit or conspiring to commit the crimes of promoting prostitution in the second or third degree, public display of explicit sexual material, or statutory rape in the second degree, when no physical force was used in the commission of the crime, may make a petition to the court for removal after ten years. Currently, persons who are convicted of committing such crimes may make such a petition.

Currently, correctional facilities must obtain and forward the address of a sex offender being released to county law enforcement. This act requires the facility to complete the initial registration prior to release and forward it to the county law enforcement within three business days. When the person being released lists an out-of-state address, the registration shall be forwarded to the Highway Patrol. The court must forward to county law enforcement the address of a sex offender who is released from county jail within three days.

Along with other registration information provided by a sex offender, he or she must also provide county law enforcement with palm prints and a DNA sample if one has not already been taken. When reporting semiannually with law enforcement, a sex offender must allow the chief law enforcement officer to take a current photograph of the offender rather than providing a photograph himself or herself.

This act changes the length of time that a sex offender has to contact law enforcement with any changes in registry information from ten days to three days. Also, the offender must appear in person to county law enforcement regarding all changes in information rather than only those regarding moving outside of the county.

This act specifies that if a registered sex offender changes or obtains a new online identifier, the person shall report such information in the same manner as a change in residence before using the identifier.

#### SECTION 589.425

This act makes the crime of failing to register as a sex offender a Class D felony for the first offense, unless the crime for which the person must register is an unclassified felony, a Class A or B felony, or a felony involving a child under the age of fourteen, in which case, it is a Class C felony. Currently, the crime is a Class A misdemeanor, unless the aggravating circumstances exist, and it is a Class D felony.

#### SECTION 589.426

This act restricts certain activities of sex offenders on Halloween. They are required to avoid all Halloween-related contact with children, remain inside his or her residence between 5 and 10:30 p.m.

unless there is just cause to leave, post a sign stating, "No candy or treats at this residence", and leave all outside residential lighting off during the evening hours. §43.650, 43.651, 211.425, 491.075, 556.061 & 565.153, 566.083, 566.147 & 566.149, 566.153, 573.025, 573.035, 573.037, 573.038, 573.040, 589.015, 589.400, 589.402, 589.403, 589.405. 589.407, & 589.414, 589.425 and 589.426, RSMo

This act contains an emergency clause for certain provisions.

*Summary provided by Senate Research*

### **CCS HCS SCS SB 724 CONTROLLED SUBSTANCES**

Authorizes advanced practice registered nurses who hold a certificate of controlled substance prescriptive authority from the board of nursing to prescribe controlled substances in schedules III, IV, and V while operating under a collaborative practice agreement. Schedule III narcotic controlled substance prescriptions shall be limited to a 120 hour supply without refill. In addition, this act modifies and adds to the current names of scheduled controlled substances §195.017, 195.070, 195.100, 195.417, 334.104, 335.016 and 335.076, RSMo

### **HCS SB 733 CRIME LABORATORIES**

Requires crime laboratories providing reports or testimony to a state court pertaining to a result of the forensic analysis of evidence to be accredited by a laboratory accrediting organization approved by the Department of Public Safety. Crime laboratories shall comply with these requirements on or after December 31, 2012. Under this act, the term "crime laboratory" means a laboratory operated or supported financially by the state or any unit of local government that employs at least one scientist, who examines physical evidence in criminal matters and provides expert or opinion testimony about such evidence in state court. §650.100, RSMo

### **HCS SS SCS SB 818 & 795 STALKING AND HARASSMENT**

This act modifies various provisions relating to stalking and harassment. Currently, the crime of harassment includes communications meant to frighten or disturb another person. Under this act, communications conducted to knowingly frighten, intimidate, or cause emotional distress to another person are included. Harassment includes communications by any means. Harassment includes knowingly using unwanted expressions that put the person in reasonable apprehension of offensive physical contact or harm or knowingly making unwanted communications with a person. §160.261, 565.090 and 565.225, RSMo

*Summary provided by Senate Research*

### **CCS HCS SCS SB 930 & 947 ALCOHOL AND MOTOR VEHICLES**

This act modifies several provisions of law relating to transportation and the regulation of motor vehicles.

#### **PRIOR DWI AND INTOXICATION-RELATED OFFENSES**

This act attempts to rectify a recent Supreme Court ruling which held that a defendant's prior guilty plea and suspended imposition of sentence in municipal court could not be used to enhance the punishment for the defendant's new intoxication-related traffic offense. This act specifies that a conviction, plea of guilty or a finding of guilty followed by incarceration, a fine, a suspended imposition of sentence, suspended execution of sentence, probation or parole or any combination thereof in any intoxication-related traffic offense in a state, county or municipal court shall be treated as a prior plea of guilty or finding of guilty for purposes of enhanced punishment. §577.023, RSMo

#### **IGNITION INTERLOCK DEVICES**

This act makes the current ignition interlock device law for repeat offenders an administrative requirement enforced by the Department of Revenue instead of the courts. Under the terms of the act, repeat offenders must provide proof of installation to the department in order to obtain a license or limited driving privilege.



Under the terms of this act, any person who has been convicted more than twice of a driving while intoxicated offense and had his or her license or driving privilege denied cannot have his or license reinstated until the person has filed proof with the Director of the Department of Revenue that his or her motor vehicle is equipped with an ignition interlock device. The ignition interlock device must be maintained on all motor vehicles operated by the person for a period of at least 6 months following the date of reinstatement. If the person fails to maintain the proof, the restricted driving privilege will be suspended for the remainder of the six-month period or until the person files proof with the director.

The act applies the same criteria to persons who have had their license suspended or revoked due to points for a second or subsequent conviction relating to driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent or more by weight. Such persons must also file proof with the director that have equipped their motor vehicles with certified ignition interlock devices. Such devices shall be maintained on all vehicles for a period of at least 6 months following the date of reinstatement. If the person fails to maintain proof of maintaining an ignition interlock device, the person will be guilty of a Class A misdemeanor. The act specifies that a limited driving privilege may be granted to a person seeking the services of a certified ignition interlock device provider. No limited driving privilege shall be issued under §302.309 until the applicant for such privilege files proof with the Director of Revenue that all of the motor vehicles operated by the applicant are equipped with certified ignition interlock devices. Failure to maintain proof of installation of a functioning, certified ignition interlock device shall result in termination of the limited driving privilege. The provisions of the act relating to the installation of ignition interlock devices become effective July 1, 2009. §302.060, 302.304 and 302.309, RSMo

#### TRAVEL SAFE ZONE

This act doubles the fine imposed for a moving or speeding violation when committed in a designated travel safe zone. A "travel safe zone" is defined as any area upon or around any highway, visibly marked by the Department of Transportation, where a highway safety analysis shows the number of fatal or disabling vehicle crashes exceeds a predicted safety performance level for comparable roadways as determined by the department. In order to assess the fines, the department must have erected signs around the travel safe zone which warn motorists that fines are doubled for speeding and committing other moving violations in the travel safe zone. §304.590, RSMo

#### COMMERCIAL MOTOR VEHICLE INSPECTIONS

Beginning January 1, 2009, only law enforcement officers that have been approved by the Missouri State Highway Patrol under the act, members of the Missouri State Highway Patrol, or commercial vehicle enforcement officers shall have the authority to conduct random roadside examinations or inspections to determine compliance with the commercial motor vehicle weight and size limit laws (Sections 304.230), and only such officers shall have the authority, with or without probable cause to believe that the size or weight is in excess of that permitted by the law, to require the driver, operator, owner, lessee, or bailee, to stop, drive, or otherwise move to a location to determine compliance with the law. A law enforcement officer not certified under the act, however, may stop a vehicle that has a visible external safety defect that could cause immediate harm to the traveling public. In the course of a stop, the law enforcement officer shall identify to the driver the defect that caused the stop. If the vehicle passes the roadside inspection, the law enforcement officer, state highway patrolman, or other authorized person shall issue such vehicle a Commercial Vehicle Safety Alliance inspection decal to be affixed to the vehicle §304.170 - 304.230 and 304.232, RSMo

#### UTILITY VEHICLES

This act provides a definition for the term "utility vehicle" and allows for their use on the highways under certain circumstances. Under the act, a utility vehicle is any motorized vehicle manufactured and used exclusively for off-highway use which is 63" or less in width, with an unladen dry weight of 1,850 pounds or less, traveling on 4 or 6 wheels, to be used primarily for landscaping, lawn care or maintenance purposes. §301.010 and 304.032, RSMo

## FAILURE TO PREPAY FINE OR APPEAR IN COURT

This act provides that when a motorist pays fines and court costs associated with a moving traffic violation, and any reinstatement fees, the director of revenue shall return the motorist's driver's license and remove the suspension from the motorist's driving record. This provision is applicable to situations where the motorist's license has been suspended for failing to pay a moving violation ticket §302.341, RSMo

*Summary provided by Senate Research*

## **HCS SB 932 SEARCH WARRANTS**

A search and any subsequent searches may be conducted after the expiration time for delivering the warrant, return, and receipt to the issuing judge. A supplemental return and receipt shall be delivered to the judge upon final completion of any search which ends after the expiration of time for delivering the original return and receipt. §542.276, 590.050 and 650.120, RSMo

## **HCS SB 1140 EMPLOYEE BENEFIT PLANS**

Allows the Commissioner of Administration to deduct cafeteria plan administrative fees and any amount necessary for the participation in the cafeteria plan from the employee's compensation warrant, unless the employee affirmatively elects not to participate in the plan. §33.103 and 37.005, RSMo

## HOUSE BILLS

### **HCS HB 1341 ETHAN'S LAW**

Establishes Ethan's Law which requires the owner of a for-profit, privately owned swimming pool or facility that to maintain adequate liability insurance in an amount of at least \$1 million per occurrence. An owner who violates the provisions of the bill will be subject to a fine of \$250 per day up to a maximum of \$10,000 and will not be permitted to remain in operation. If an owner intentionally cancels, terminates, or fails to renew his or her liability insurance, the owner will be guilty of a class A misdemeanor. Chapter 316, RSMo

*Copyright (c) Missouri House of Representatives*

### **CCS SS HCS HB 1549, 1771, 1395 & 2366 ILLEGAL ALIENS**

This bill changes the laws regarding illegal aliens and immigration status verification.

The State Highway Patrol is required, subject to appropriations, to designate some or all members of the patrol to be trained concerning the enforcement of federal immigration laws during the course of their normal duties in Missouri.

Any county, city, town, or village is prohibited from enacting a sanctuary policy.

Aliens unlawfully present in the United States are prohibited from receiving a state or local public benefit unless it is offered under 8 U.S.C. 1621(b). Documentary evidence accepted by the Department of Revenue for obtaining a driver's license will suffice as proof of citizenship, permanent residency, or lawful immigration status when applying for benefits.

Business entities and employers are prohibited from knowingly employing, hiring, or continuing to employ illegal aliens to perform work in Missouri. Participation in a federal work authorization program which enables employers to electronically verify employment eligibility is required for all public employers and business entities receiving a state contract or grant in excess of \$5,000 or a state-administered tax credit, tax abatement, or loan from the state. Participation in a federal work authorization program is an affirmative defense to an allegation that a business entity knowingly hired an illegal alien.

The Department of Revenue is prohibited from issuing driver's licenses to illegal aliens and persons who cannot prove lawful presence in the United States. Missouri will not extend full faith and credit to out-of-state driver's licenses issued to illegal aliens.

If a judge reasonably believes that a person is an illegal alien, bail will be denied at least until the person can provide verification of lawful presence in the United States, at which time a judge must determine whether release on bail is otherwise warranted. If lawful presence verification cannot be provided, a person must be held in custody until discharged by due course of law.

The crimes of transporting and concealing an illegal alien knowingly or in reckless disregard of the fact that the alien has entered or remained in the country illegally are created. A violation of either of these crimes is a felony punishable by not less than one year of imprisonment or a fine of not less than \$1,000, or both. §8.283, 302.720 and 544.470, RSMo

*Copyright (c) Missouri House of Representatives*

## **SS HCS HB 1550 JUVENILE COURTS**

This bill expands the jurisdiction of juvenile courts to include individuals who are 17 years of age for the sole purpose of status offenses by revising the definition of "child" and "adult." "Status offense" is defined as any offense described in §211.031.1(2), RSMo.

Parents are allowed to petition the circuit court to extend the jurisdiction of the juvenile court over the minor child until the child reaches 18 years of age and makes the expiration date of these provisions subject to the effective date of the changes to §211.021, RSMo.

The provisions of Section 211.021 regarding the definitions of "child," "adult," and "status offense" become effective when spending by the state for juvenile officer and deputy juvenile officer full-time equivalents exceeds by \$1.9 million of the amount spent in Fiscal Year 2007 and appropriations by the General Assembly to single first classification counties for juvenile court personnel costs exceeds by \$1.9 million the amount spent for the costs in Fiscal Year 2007.

The bill specifies that civil or criminal liability will not extend to any law enforcement officer, juvenile officer, school personnel, or court personnel for taking or failing to take any action involving a minor child who remains under the jurisdiction of the juvenile court if the action or failure to act was based on a good faith belief that the minor child is not under the jurisdiction of the juvenile court. These provisions are subject to the effective date of the changes to §211.021, RSMo.

The Office of State Courts Administrator must conduct a study and report on the impact on the average caseloads of juvenile officers and on the impact of revising the definition of "child" to include any person between 17 and 18 years of age alleged to have committed a status offense. The report must be submitted to the General Assembly by June 30, 2009.

The bill removes the requirement that Jackson County must reimburse the state for moneys received for the salary and benefits payable to the drug court commissioner in the 16<sup>th</sup> Judicial Circuit.

In addition to arrest warrants, the bill expands a jailer's power to also serve civil service. §211.021, 211.033, 211.091, 221.515, 478.466 and 559.600, RSMo

*Copyright (c) Missouri House of Representatives*

## **SCS HB 1570 GUARDIANS AD LITEM**

Requires circuit courts to adopt the Missouri Supreme Court standards for representation by guardians ad litem and adds the services of guardians ad litem to the priority list when a family court is determining how to spend moneys in the county family services and justice fund for families receiving dispute resolution services. §488.2300 and 484.302, RSMo

*Copyright (c) Missouri House of Representatives*

## **SCS HB 1640 ADOPTION**

Establishes the Debbi Daniel Law which allows an adoptive parent or stepparent of a child to request that no name changes be made to the child's birth certificate following an adoption. §193.125, RSMo

## **SCS HCS HB 1715 WATERCRAFT**

This bill changes the laws regarding watercraft. In its main provisions, the bill:

- (1) Specifies that a person commits the crime of operating a vessel while intoxicated, involuntary manslaughter with a vessel, or assault with a vessel in the second degree when the person operates any vessel in an intoxicated condition or operates any vessel in any waters of the state while in an intoxicated condition and acts with criminal negligence to cause the death of or physical injury to any person;
- (2) Lowers from .1 of 1% to .08 of 1% the weight of alcohol necessary in a person's blood for a presumption that the person is intoxicated;
- (3) Defines "prior offender" as any person who has pled guilty to or been found guilty of one intoxication-related boating offense within five years of the intoxication-related boating offense for which the person is charged. A prior offender will be guilty of a class A misdemeanor and will not be eligible for probation or parole until he or she has served a minimum of five days' imprisonment;
- (4) Defines "persistent offender" as a person who has pled guilty to or been found guilty of two or more intoxication-related boating offenses, involuntary manslaughter with a vessel, assault with a vessel in the second degree, or assault of a law enforcement officer in the second degree while in an intoxicated condition or while under the influence of a controlled substance operates a vehicle or motorboat causing injury to the officer. A persistent offender will be guilty of a class D felony and will not be eligible for probation or parole until he or she has served a minimum of 10 days' imprisonment;
- (5) Defines "aggravated offender" as a person who has pled guilty to or been found guilty of three intoxication-related boating offenses or has pled guilty to or been found guilty of one or more intoxication-related boating offenses and any of the following: involuntary manslaughter with a vessel, assault with a vessel in the second degree, or assault of a law enforcement officer in the second degree while in an intoxicated condition or under the influence of a controlled substance operating a vehicle or motorboat to cause injury to the law enforcement officer. A person proved to be an aggravated offender will be guilty of a class C felony and will not be eligible for probation or parole until he or she has served a minimum of 60 days' imprisonment;
- (6) Defines "chronic offender" as a person who has pled guilty to or been found guilty of four or more intoxication-related offenses; has pled guilty to or been found guilty of, on two or more separate occasions, any combination of the following: involuntary manslaughter with a vessel, assault with a vessel in the second degree, or assault of a law enforcement officer in the second degree while in an intoxicated condition or under the influence of a controlled substance; or has pled guilty to or been found guilty of two or more intoxication-related offenses and any of the following: involuntary manslaughter with a vessel, assault with a vessel in the second degree, or assault of a law enforcement officer in the second degree while in an intoxicated condition or under the influence of a controlled substance operating a vehicle or motorboat to cause injury to the law enforcement officer. A person proved to be a chronic offender will be guilty of a class B felony and will not be eligible for probation or parole until he or she has served a minimum of two years' imprisonment;
- (7) Specifies that no prior, persistent, aggravated, or chronic offender will be given an imposition of sentence;
- (8) Specifies that a person will be guilty of the crime of involuntary manslaughter if he or she operates a vessel in an intoxicated condition and in doing so acts with criminal negligence to cause the death of any person or operates a vessel in violation of subsections 1 and 2 of Section 306.132, RSMo, and causes the death of any person authorized to operate an emergency watercraft; and
- (9) Clarifies that evidence of a plea of guilty or a finding of guilty followed by incarceration, a suspended imposition of sentence, suspended execution of sentence, probation or parole, or any combination thereof in any intoxication-related traffic offense in a state, county, or municipal court will be treated as a prior plea of guilty or finding of guilty for the purposes of determining whether a person is a chronic, aggravated, persistent, or prior offender of an intoxication-related traffic offense. §304.157, 306.010,

306.015, 306.030, 306.100, 306.111, 306.112, 306.114, 306.117, 306.124, 306.125, 306.132, 306.147, 306.163, 306.190, 306.221, 306.228, 565.024, 565.082, 577.023 and 577.080, RSMo

The bill contains an emergency clause for the provisions regarding intoxication-related traffic offenses.

*Copyright (c) Missouri House of Representatives*

### **SCS HCS HB 1883 EMPLOYMENT PRACTICES**

This bill changes the laws regarding employment practices. In its main provisions, the bill:

- (1) Prohibits employers from requiring employees to have personal identification microchip technology implanted in their bodies. Any employer who violates this provision will be guilty of a class A misdemeanor;
- (2) Specifies that in applying the provisions of the Workers' Compensation Law it is the intent of the legislature to reject and abrogate *Schoemehl v. Treasurer of the State of Missouri*, 217 S.W.3d 900 (Mo. banc 2007) and all cases interpreting, applying, or following this case and reaffirms that the right for compensation for the permanent total disability of an injured employee terminates on the date of the injured employee's death;
- (3) Re-enacts the federal overtime standards in effect prior to the passage of Proposition B (2006) regarding the minimum wage increase, including the exemptions for firefighters, commissioned employees, and flex-time pay rate employees; and
- (4) Prohibits public and private employers from terminating an employee for being activated to a national disaster response by the Federal Emergency Management Agency (FEMA) or for being absent from or late to work due to his or her volunteer emergency service. If an employee is absent from or late to work due to his or her service with FEMA, the employee may lose pay and may be required to provide a written verification from his or her supervisor as to the time and date of the emergency. The member must make a reasonable effort to notify his or her employer that he or she may be absent from or late to work due to an emergency.

The bill contains an emergency clause for the provisions regarding the Workers' Compensation Law. §285.035, 287.020, 287.200, 287.230, 290.505, 290.523 and 320.336, RSMo

*Copyright (c) Missouri House of Representatives*

### **SCS HCS HB 2041 EMPLOYMENT**

This bill changes the laws regarding employment.

#### **PROHIBITED EMPLOYMENT PRACTICES**

Employers are prohibited from requiring an employee to have a personal identification microchip technology implanted. An employer in violation of this provision will be guilty of a class A misdemeanor.

#### **OVERTIME PAY**

The bill reenacts the federal overtime standards in place prior to passage of Proposition B (2006) including exemptions for firefighters, commissioned employees, and flex-time rates. §178.585, 288.040, 288.042, 288.070, 288.250 and 290.505, RSMo

The bill becomes effective October 1, 2008.

*Copyright (c) Missouri House of Representatives*

## **SCS HCS HB 2188 MORTGAGE FRAUD**

This bill creates civil and criminal penalties for individuals who commit mortgage fraud. In its main provisions, the bill:

Specifies that licensed real estate brokers, salespersons, and appraisers can be brought before the Administrative Hearing Commission and lose their license for committing mortgage fraud. A licensee who is criminally convicted of mortgage fraud will automatically have his or her license revoked; and the Missouri Real Estate Commission or the Missouri Real Estate Appraisers Commission within the Department of Insurance, Financial Institutions, and Professional Registration may maintain an action in circuit court. The court may impose a civil penalty of up to \$2,500 per violation and may grant other relief the court determines is just and proper.

Allows the division director to issue a notice of charges in support of an order to remove and prohibits a person from participating in loan brokering, mortgage brokering, or mortgage brokerage service for any loan secured by residential real estate under the laws relating to residential mortgage brokers or under the jurisdiction of the division director. An order of removal or prohibition may be permanent or for a specified term and may require restitution and the imposition of a civil penalty of up to \$5,000 per occurrence. §339.100, 339.175, 339.532, 339.543, 443.809, 443.810, 443.891, 443.930 and 570.310, RSMo

*Copyright (c) Missouri House of Representatives*

## **CCS SS SCS HB 2224 DEPUTY SHERIFF SALARY SUPPLEMENTATION FUND**

Creates the Deputy Sheriff Salary Supplementation Fund to supplement the salaries of county deputy sheriffs. The fund will consist of money collected from a \$10 increase in the fee charged by sheriffs for the service of any summons, writ, subpoena, or other order of the court in civil cases and will be administered by the Missouri Sheriff Methamphetamine Relief Taskforce. §57.278, 57.280, 488.435, 590.050 and 650.350, RSMo